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DEPARTMENT OF NATURAL RESOURCES  
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TO: Daron Haddock, Permit Supervisor

FROM: Paul Baker, Reclamation Biologist

DATE: June 21, 1991

RE: Division Order #DO 91-B, Genwal Coal Company, Folder#2,  
ACT/015/032, Emery County, Utah.

Genwal has made changes in its MRP to comply with this Division Order; however I felt that since concerns raised by the Division of Wildlife Resources were the reason for the Order, we should have their comments before approving the changes. I have not received written comments, and the period for obtaining approval has now passed.

I have written and spoken to Ken Phippin of DWR in Price who told me that he is the author of the letter from DWR. He said in our telephone conversation that he felt that all of the concerns except the seed mix were met in Genwal's changes. He agreed with me that daily measurements for turbidity were excessive, that monthly measurements would suffice. He also said that while he felt that the additions to the seed mix were justified, DWR would yield to the Forest Service on this issue.

Correspondence dated June 5, 1991, from Ira Hatch of the Forest Service Price Ranger District Office opposes the additions to the seed mix on the grounds that 1) the species recommended by DWR would be considered introduced, 2) the seed would be difficult and expensive to obtain which would place an undue burden on Genwal, and 3) no disturbances will occur on state lands.

A statement in the original version of the MRP near the end of section 10.3.3 says that when "eagles are observed in the nesting site, a permanent monitoring program and/or mitigation measures will be determined." This statement has now been deleted and a monitoring program of aerial surveys has been added. I believe that this monitoring program satisfies the concerns of DWR, but there is no commitment to mitigate impacts except protection of the nest from the effects of subsidence.

To completely satisfy the Division Order, Genwal needs to commit to mitigating impacts to the eagles. Genwal should be allowed to change the frequency of turbidity monitoring to show taking monthly samples.